

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK----- X  
Dr. Alan Sacerdote et al.,

Plaintiff(s),

-v-

New York University

Defendant(s).  
----- XUSDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: December 5, 201616 Civ. 6284 (KBF)SCHEDULING ORDER

KATHERINE B. FORREST, District Judge:

The parties propose the following schedule for this matter:

1. All parties [**do** ☐ / **do not** ☒ ] consent to conducting all further proceedings before a United States Magistrate Judge, including motions and trial. 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences.<sup>1</sup>
2. Amended pleadings may not be filed, and no party may be joined, without leave of Court more than 10 days after the filing of this Order or the filing of a responsive pleading, whichever occurs first.
3. Close of fact discovery: 11/30/2017. [**within 6 months unless the case is particularly complex**]
4. Close of expert discovery: 1/31/2018. [**25 days after the close of fact discovery for all but the most complex cases; for particularly complex cases, 60 days after the close of fact discovery; the parties are to negotiate interim dates regarding expert witnesses**]

The parties contemplate experts in this matter for the following subject(s):  
\_\_\_\_\_.

5. [**For F.L.S.A. actions only**] Plaintiff(s) [**do** ☐ / **do not** ☐ ] anticipate making a motion for conditional certification of a collective action under 29 U.S.C. § 216(b). Plaintiff(s) shall include a proposed notice with the opening brief.

<sup>1</sup> If all parties so consent, they should execute a consent form (available at <http://www.nysd.uscourts.gov/file/forms/consent-to-proceed-before-us-magistrate-judge>) and submit it to the Court via e-mail, along with this proposed order.

Section 216(b) proposed briefing schedule:

Opening: \_\_\_\_\_ [30 days after initial conference]  
 Opp'n: \_\_\_\_\_ [21 days after opening brief]  
 Reply: \_\_\_\_\_ [7 days after opposition brief]

6. Motions may be brought at any time. The last opportunity to file any motion (other than in limine and Daubert motions) are set forth below.

Proposed briefing schedule:

Opening: 1/10/2018 [no later than 14 days following item 3]  
 Opp'n: 2/12/2018 [generally 21 days after opening brief]  
 Reply: 2/23/2018 [generally 7 days after opposition brief]

7. Trial [will ☐ / will not ☐ ] be before a jury.<sup>2</sup> The parties dispute whether the claim(s) are triable to a jury. This shall be addressed at a later conference.

**DO NOT FILL IN BELOW. THE COURT WILL SET ITEMS 8-11.**

8. The next status conference is set for 2/10/2017 at 1:00 pm. (Telephonic)

9. Pretrial materials, including the Joint Pretrial Order ("JPTO"), are due:  
4/5/2018.

10. The Final Pretrial Conference ("FPTC") is set for 4/11/2018 at 10:00 am.

Motions in limine are due two weeks before FPTC; oppositions are due one week later. Daubert motions are due four weeks before FPTC; oppositions are due two weeks later. (No replies.)<sup>3</sup>

11. Trial in this matter shall commence on 4/16/2018. Trial is anticipated to take 1 [days / weeks].

**Settlement discussions must occur in parallel to this schedule (schedule will not be adjourned, except in very unusual situations, for settlement discussions).**

SO ORDERED.

Dated: New York, New York  
December 5, 2016

- The parties shall make a full production of documents in response to the first requests for production within 90 days of serving written responses under Federal Rule of Civil Procedure 34(b). The first request shall not be served sooner than 30 days from the date this order is docketed.

\_\_\_\_\_  
 KATHERINE B. FORREST  
 United States District Judge

<sup>2</sup> Checking this box does not constitute a formal jury demand under Fed. R. Civ. P. 38(b). It serves a purely administrative function.

<sup>3</sup> Deadlines for motions in limine and Daubert motions are generalized and subject to change. The parties may request to modify the schedule if desired.